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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,137	08/13/2001	Scott E. Moore	500199.05	9889

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EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,137

Applicant(s)

MOORE, SCOTT E.

Examiner

M Rachuba

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
4a) Of the above claim(s) 3,7,8,16-43 and 49-76 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-6,9-15 and 44-48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date see Office action.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 13 August 2001; 11 September 2003; 20 October 2003 and 12 November 2003 have been considered by the examiner.

Election/Restrictions

2. Applicant's election without traverse of species 1 in the reply filed on 23 April 2004 is acknowledged.
3. Claims 3, 7, 8, 16-43 and 49-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 23 April 2004. Claim 3, drawn to a circular platen and polishing pad, is not shown as part of species 1. Claims 7 and 8, drawn to a support surface at an angle other than approximately vertical, is not part of species 1. Claim 16, drawn to the elongated polishing pad extending directly from the supply roll to the platen without passing adjacent another roller, is not part of species 1.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is no disclosure as to the position of the spindles, other than the figures.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no disclosure as to the position of the spindles other than the figures. There is no support for the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-6 and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Cheng et al, US006315857B1. Please refer to column 3, lines 27-40; column 4, lines 48-59, and column 6, lines 16-20.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al, US006315857B1. '857 do not disclose that the supply spindle is placed above the take-up spindle. Applicant has not disclosed that a critical function is met in placing the supply spindle above the take-up spindle, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have positioned the supply and take-up spindles as desired, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Here, any placement of the spindles relative to each other would allow the device to function as disclosed and claimed.

12. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al, US006315857B1 in view of Guckel et al, US005718618A. '857 does not disclose the use of a pad conditioner positioned proximate to the polishing pad for conditioning a planarizing surface of the polishing pad; wherein the pad conditioner includes a plurality of orifices proximate to the polishing pad for directing a cleansing fluid toward the polishing pad, or an end effector having a conditioning surface positioned to remove material from the polishing pad. '618, figures 14-16, teaches the use of a pad conditioner comprising both a conditioner that includes a plurality of orifices proximate to the pad for directing a cleansing (abrasive) fluid toward the pad, and an end effector having a conditioning surface to remove material from the pad. It would have been obvious to one of ordinary skill to have provided '857 with the

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conditioning apparatuses taught by '618, figures 14-16, columns 10-11, to provide a polishing pad of the proper abrasiveness without including damaging debris from previous use.

13. Claims 11 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al, US006315857B1 in view of Young, US005912184A. '857 does not disclose an at least partially gas-tight enclosure around the carrier and the planarizing medium, the enclosure having an entrance port for admitting ventilating gas to the enclosure and an exit port for removing the ventilating gas from the enclosure, at least one of the entrance port and the exit port being coupleable to a gas propulsion device for moving the ventilating gas relative to the enclosure; and a controller operatively coupled to a flow path of the ventilating gas to control at least one of a pressure within the enclosure and a flow rate of the ventilating gas through the enclosure. '184, especially figures 2a-2e, teaches providing such an enclosure having an entrance and exit port for ventilating gas; fans to move the gas relative to the enclosure, and a controller coupled to a flow path of the gas to control pressure and flow rate of the gas in the enclosure. It would have been obvious to one of ordinary skill to have provided the CMP device of '857 with the enclosure taught by '184, Abstract, to prevent slurry from drying and to prevent contamination of environment outside of the immediate processing area.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other similar devices are cited of interest.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 703-308-1361. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Rachuba
Primary Patent Examiner

A handwritten signature in black ink, appearing to be 'M. Rachuba', located below the printed name and title.